

## Message Text

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65 55

ACTION IO-13

INFO OCT-01 EUR-12 ISO-00 IOE-00 ERDA-05 CIAE-00 H-02

INR-07 L-03 NSAE-00 OIC-02 OMB-01 PA-01 PM-04 PRS-01

SAJ-01 SAM-01 SP-02 SS-15 TRSE-00 DODE-00 NSC-05

ACDA-07 NSCE-00 SSO-00 USIE-00 INRE-00 ERDE-00 /083 W  
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O R 201711Z OCT 76

FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC IMMEDIATE 0019

INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L USUN 4596

E.O. 11652: GDS

TAGS: UN, US, UR

SUBJECT: US/SOVIET CONSULTATIONS: SOVIET NON-USE OF FORCE  
PROPOSAL

1. SOVIETS HOSTED LUNCHEON OCT 19 AT THEIR MISSION FOR EXCHANGE OF VIEWS WITH US ON NON-USE OF FORCE PROPOSAL (NUF), DISARMAMENT ISSUES, THE MIDDLE EAST, AND THE FRG PROPOSAL ON HOSTAGES. SOVIET PARTICIPANTS WERE DEPUTY FOREIGN MINISTER KUZNETSOV, MFA OFFICIALS ISSRAELYAN AND STASHEVSKY AND FROM SOVIET MISSION KHARLAMOV, OVINNIKOV AND NEKLESSA. US PARTICIPANTS WERE GOVERNOR SCRANTON, BENNETT, SHERER, KITCHEN, AND HIRSCH.

2. SOVIETS DEVOTED OVER HALF OF SESSION TO THEIR NON-USE OF FORCE PROPOSAL (OTHER TOPICS BEING REPORTED SEPTTEL). THEY EXPRESSED THEIR DISSATISFACTION WITH US STAND AND LACK OF US/SOVIET CONSULTATIONS, AND STRESSED THE NEED TO TRY TO FIND COMMON GROUND ON THIS ISSUE IN THE WEEKS AHEAD.

3. KUZNETSOV TOLD GOVERNOR SCRANTON THAT THE EC-9 IN RECENT CONSULTATIONS HAD EXPRESSED RESERVATIONS ABOUT THE NON-USE OF FORCE PROPOSAL WHICH SEEMED TO HAVE BEEN INFLUENCED BY A NON-MEMBER OF THE NINE -- I.E., THE UNITED STATES. GOVERNOR  
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SCRANTON OBSERVED THAT, WHILE THE US DOES HAVE A WORKING

RELATIONSHIP WITH THE EC-9 IN NEW YORK, THE EUROPEAN VIEWS ON NUF WERE COMPLETELY INDEPENDENT OF THOSE OF THE UNITED STATES. IN FACT, WE HAD LEARNED ABOUT THE EC/SOVIET MEETING ONLY AFTER IT HAD OCCURRED.

4. KUZNETSOV THEN OUTLINED WELL-KNOWN SOVIET VIEWS ON THE DRAFT TREATY, NOTING THAT MANY UN TREATIES, CONVENTIONS AND AGREEMENTS BASED ON THE UN CHARTER HAD BEEN ADOPTED BY THE GENERAL ASSEMBLY. MOREOVER, THE CHARTER REQUIRED MEMBER STATES TO TAKE STEPS TO ENLARGE ITS APPLICATION. THUS, THE SOVIETS SAW NO BASIS FOR THE OBJECTION TO THEIR DRAFT TREATY ON THE GROUNDS THAT REAFFIRMATION OF PRINCIPLES EMBODIED IN THE UN CHARTER RENDERED IT REDUNDANT. KUZNETSOV FURTHER EXPLAINED HIS UNHAPPINESS WITH THE EFFORT OF "SOME STATES" IN THE GENERAL COMMITTEE TO ALLOCATE THE SOVIET PROPOSAL TO THE SIXTH COMMITTEE. HE RECALLED THAT THE NPT TREATY HAD NOT BEEN SENT TO THE SIXTH COMMITTEE. ISSRAELIAN SAID THAT HE WAS SURPRISED AND SORRY ABOUT US STATEMENT (MADE BY BENNETT) IN THE GENERAL COMMITTEE WHICH HAD BEEN MADE WITHOUT CONSULTATION WITH THE SOVIETS. THE USSR, HE OBSERVED, SEEKS A SERIOUS DISCUSSION WITH THE US AND OTHER WESTERN COUNTRIES TO DEVELOP A COMMON APPROACH WHICH COULD LEAD TO AN EFFECTIVE AND UNIVERSAL TREATY.

5. IN REPLY, GOVERNOR SCRANTON NOTED THAT, WHILE WE WERE WAITING FOR INSTRUCTIONS FROM WASHINGTON, IT ALREADY SEEMED CLEAR THAT WE HAD CERTAIN PROBLEMS WITH THE SOVIET PROPOSAL. THE US DOES NOT SEE THE PURPOSE OF REITERATING PRINCIPLES OF THE UN CHARTER IN YET ANOTHER INTERNATIONAL AGREEMENT OR TREATY. MOREOVER, GROMYKO'S UNGA SPEECH HAD OUTLINED CERTAIN EXCLUSIONS WHICH SEEMED TO UNDERMINE THE UNIVERSALITY OF ITS APPLICATION. AMB BENNETT THEN OBSERVED THAT IT WAS THE SOVIETS WHO HAD FAILED TO CONSULT US RATHER THAN THE OTHER WAY AROUND. AT OUR BILATERAL MEETING ON SEPT 17, WE HAD ASKED THE SOVIETS WHAT INITIATIVES THEY INTENDED TO PRESENT AT THE GENERAL ASSEMBLY. KHARLAMOV HAD TOLD US THAT WE HAD TO WAIT FOR GROMYKO'S SPEECH. WE WERE, THEREFORE, NOT IN A POSITION TO HAVE A REACTION BEFORE STUDYING SOVIET PROPOSAL. GOVERNOR SCRANTON ADDED THAT OUR DECISION TO SUPPORT ALLOCATION TO THE SIXTH COMMITTEE WAS BY NO MEANS AN EFFORT TO SCUTTLE

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THE PROPOSAL BUT INSTEAD REPRESENTED OUR VIEW AS TO WHERE THIS MATTER WITH ITS CONSIDERABLE LEGAL IMPLICATIONS SHOULD BE CONSIDERED. HE REITERATED US CONCERNS ABOUT THE EXCLUSIONS OUTLINED IN GROMYKO'S SPEECH.

6. ISSRAELIAN NOTED IN RESPONSE THAT THE SOVIET PROPOSAL APPLIES ONLY TO INTERSTATE RELATIONS BETWEEN SOVEREIGN STATES AND NOT TO CIVIL WARS OR DOMESTIC CONFLICTS. THIS DISTINCTION

IS FULLY IN ACCORD WITH THE UN CHARTER. ISSRAELIAN CLAIMED THAT THE ACTIVITY OF NATIONAL LIBERATION MOVEMENTS IS DIFFERENT FROM THAT OF SOVEREIGN STATES, AND THAT THE FORMER HAVE THE RIGHT -- IN ACCORD WITH THE UN CHARTER -- TO "USE ANYTHING" TO OBTAIN THEIR OBJECTIVE. AS REGARDS THE NEXT STEPS, KUZNETSOV URGED CONTINUED US/SOVIET CONSULTATIONS ON A FRIENDLY AND CONSTRUCTIVE BASIS TO FIND COMMON GROUND ON THE SOVIET PROPOSAL. ISSRAELIAN SAID THAT HE WISHED TO MEET WITH ASSISTANT SECRETARY LEWIS ON THE LATTER'S NEXT VISIT TO NEW YORK. AMB SHERER NOTED THAT VORONTSOV AND LEWIS HAD ALREADY DISCUSSED THE SOVIET PROPOSAL IN WASHINGTON TODAY. GOVERNOR SCRANTON CONCLUDED THIS SECTION OF THE DISCUSSION BY SAYING THAT WE WOULD PASS ON ISSRAELIAN'S REQUEST TO ASSISTANT SECRETARY LEWIS. IN LATER CONVERSATION WITH BENNETT, ISSRAELIAN SHOWED NO ENTHUSIASM FOR A POSSIBLE MEETING WITH LEWIS IN WASHINGTON AND REITERATED HE WOULD PREFER TO HAVE CONVERSATION IN NEW YORK.

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